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## The Local Governance of Safety & Security in Belgium

Some authors argue that there has been a shift from government to governance, signalling an evolution away from the classic-modernist conception of government – with its authority over a fixed territory, marked by boundaries and its power limited by the conceptual framework of the democratic nation-state – to a new configuration, where the leading metaphor is no longer the Hobbesian Leviathan, a body of rule of the people for the people, but an intricate network of nodes and hubs. More participatory forms of rule are introduced and traditional boundaries between and within the public and private sectors are becoming blurred<sup>1</sup>. In this new configuration, the pluralization of different forms of policing, crime control and security provision is evident<sup>2</sup>. Although government continues to have a major role in providing security for its citizens, the coordination of security practices is becoming increasingly complex.

In this contribution, I will describe how these challenges are dealt with in Belgium by incorporating these trends under the umbrella of ‘integral security policy’. This entails different policy levels, policy domains and civil society mobilised to ensure safety and security. My focus will be on the local authorities – the municipalities – where the coordination of these efforts take place. I will not elaborate on the semantics of the words safety and security, but I will use these terms interchangeably to mimic the broadness encapsulated in the word we use in Dutch: *Veiligheid*.

I will start with a brief overview of the complicated Belgian institutional system and the place of local government and organisation of the main public security services. I will demonstrate that although the competences over public security are shared by the federal and the municipal authorities in accordance

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<sup>1</sup> See: H.K. Colebatch, *Governance as a Conceptual Development in the Analysis of Policy*, Critical Policy Studies 2009, no. 1, p. 58–67; G. Stoker, *Governance as Theory: Five Propositions*, International Social Science Journal 1998, no. 155, p. 7–28.

<sup>2</sup> See: L. Johnston, C. Shearing, *Governing Security: Explorations in Policing and Justice*, Routledge 2003; I. Loader, *Plural Policing and Democratic Governance*, Social & Legal Studies 2000, no. 3, p. 323–345; L. Zedner, *Security*, London 2009.

with the principle of subsidiarity, including the regions and communities is vitally important in order to establish a broad approach to unsafety and insecurity.

In the second part, I will discuss the division of tasks between state and local governments in the area of security and public order provision and how the coordination takes place, using the results of research that I was involved in for the Belgian federal government<sup>3</sup>. Our main objective was to acquire insight in the local interpretation, adaptation and development of the local security policies within the framework of an 'integral security policy'. This enabled us to provide some grounded recommendations for the federal government concerning the way in which they can assist the local authorities to coordinate existing security practices. I will conclude with a brief description of one of the main suggestions to enhance the exchange of practices and ideas between different levels and domains of government and thereby contribute to a better coordination of security.

## Institutional context

### A three-tiered federation

Although the Kingdom of Belgium was established in 1831 as a French-speaking unitary state, several constitutional reforms<sup>4</sup> and regionalisation of competences have resulted in a three-tiered federation. Since 1994, Article One of the constitution defines Belgium as a federal state, composed of communities and regions<sup>5</sup>. The communities were created in response to the cultural differences in Belgium between the Dutch-speaking, French-speaking and German-speaking populations. Initially, their competences were limited to cultural affairs, before being extended to personal matters, education and the use of languages in administration, education and labour relations between employers and employees. Their competences include education, health policy, social welfare and protection of youth. The regions were created in response to the economic diversity between the North (Flanders) and South (Wallonia). Their competences relate therefore primarily to economic matters, such as economic policy and employment policy, supplemented by territorial aspects, such as environment, spatial planning, housing, energy, public works and transport. They also have the responsibility for the composition, the organisation, the competences and the activities of the municipal institutions as well as the provincial institutions. The federal authority has the remaining competences which are not explicitly

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<sup>3</sup> T. Bauwens et al., *Integraal Veiligheidsbeleid Tussen Pragmatisme En Idealisme. Het Complexe Samenspel van Lokale En Bovenlokale Bestuurlijke Actoren*, Criminologische Studies, Brussel 2011.

<sup>4</sup> A 6<sup>th</sup> state reform was announced in 2011, entitled 'a more efficient federal State and more autonomous entities'.

<sup>5</sup> The Belgian Constitution, [http://www.dekamer.be/kvvcr/pdf\\_sections/publications/constitution/grondwetEN.pdf](http://www.dekamer.be/kvvcr/pdf_sections/publications/constitution/grondwetEN.pdf) (access: 28.04.2014).

devolved to the communities and regions and a certain number of specially designated powers, such as monetary policy, criminal policy, justice, social security and domestic policy. The federal state is also responsible for the obligations of Belgium and its federalized institutions toward the European Union and NATO<sup>6</sup>.

### Local authority

The constitution also defines the municipalities (Art. 4) and the provinces (Art. 5). The Flemish region (Flanders) and the Walloon region (Wallonia) each have five provinces, while the Brussels Capital Region is not a province. Together, the regions include 589 municipalities. The municipalities are considered the smallest administrative subdivision to have democratically elected representation<sup>7</sup>. 308 of these municipalities are within the Flemish region, 19 in Brussels and 262 in the Walloon region. The largest municipality, Antwerp, has more than 500 000 inhabitants, while the smallest, Herstappe, only has 87 inhabitants. Since the state reform of 2001, administrative control and supervision over the municipalities in regard to the composition, the organisation, the competences and the activities of the municipal institutions was devolved to the regions. The basis of the municipal organisation remains the federal legislation, but regional decrees can impose differences<sup>8</sup>. In general, however, the provinces are autonomous political communities, responsible for all matters within the provincial interest. This includes anything that needs to be done in the interest of the province and which does not come under the general interest of the federal state, the communities and the regions, or under the communal interest. At the same time, they are also subordinate authorities responsible for implementing decisions made at other levels. The provincial governor, for example, has a range of powers relating to security and public order. He organises the coordination of relief campaigns in the event of large disasters.

The municipalities have extensive autonomy in the context of the powers that they exercise. This covers everything that is in the “communal interest” – in other words the collective needs of the inhabitants. The municipalities must also perform the tasks imposed on them by higher authorities. They are mainly charged with the coordination of the local police force and the maintenance of the registers of births, deaths and marriages. The mayor has a special place in this configuration. As the representative of the federal and regional governments, he

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<sup>6</sup> See also: [http://www.belgium.be/en/about\\_belgium/](http://www.belgium.be/en/about_belgium/) for more information (access: 28.04.2014).

<sup>7</sup> However, Article 41 of constitution provides the possibility of implementing districts for any municipality with at least 100,000 inhabitants. In such cases the districts have elected „district councils” and a „district college”. Only the city of Antwerp made use of this provision.

<sup>8</sup> This means that the level of autonomy of local authorities differs depending on the region. In Flanders, for example, the functions of the provinces are diminishing, whilst in Wallonia, the municipal council is strengthened by allowing them to depose the mayor or one of the aldermen.

or she should ensure the execution of laws, decrees, ordinances and orders at the local level. The mayor, then, is the head of the local police in performing administrative police tasks. But at the same time, the mayor is considered the head of the municipality, as he or she is a politician elected out of the municipal council. The municipal council is the representative assembly and consists of members directly elected for a term of office of six years. It is responsible for all matters that are of municipal interest. Daily administration is carried out by the college of mayor and aldermen. They constitute the executive organ in the municipality.

### Organisation of public security services

The Belgium integrated police was created with the law of 7th December 1998 organising 'an integrated police service structured on two levels'<sup>9</sup>. These two levels, the federal and the local levels, are autonomous and subordinate to different authorities, but at the same time they are part of the same organisation and work in close cooperation and complement each other. The integrated police has approximately 40 000 personnel. The local police are made up of 195 police zones, their own district. 50 police forces cover the territory of one municipality (one-city zone) and 146 cover more than one municipality (multi-city zone). The local police is responsible for performing the seven basic police tasks, i.e. community policing, intervention, assisting victims, local investigations, maintenance of law and order and road traffic. The federal police carry out the more specialised judicial and administrative missions and deal with all crime phenomena beyond the local level. They also perform operational, administrative or logistical support missions. A Commissioner General leads the federal police. He or she is responsible for contacts with the local police, integrated police operations, coordination and external communication. The federal police, as well as the local police, carry out both judicial and administrative police missions in their respective jurisdiction. The competent judicial authorities, i.e. the public prosecutor and the examining magistrates at the district level or the public prosecutors' department at federal level, supervise the investigations and preliminary investigations. As mentioned earlier, the local police works under the authority of the mayor<sup>10</sup>, while the federal police are subordinate to the Ministers of the Interior and of Justice.

The municipal council can decide to introduce community wardens. These are uniformed public officers employed by the cities and municipalities, but without any police power. Also the private sector plays a significant role in establishing public safety and security by providing surveillance and monitoring. They are supervised by the Minister of the Interior. Note that public security does not only entail law enforcement, but also issues concerning civil security, such as

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<sup>9</sup> See also: *The Federal Police: presentation*, [http://www.polfed-fedpol.be/org/org\\_en.php](http://www.polfed-fedpol.be/org/org_en.php) (access: 28.04.2014).

<sup>10</sup> In a multi-city police zone, the authority is given to a police board composed of all the mayors from the different municipalities.

fire-fighting, disaster mitigation and the organisation of emergency medical services. To discuss all these different organisations will lead me too far. It suffices to say that they all are locally anchored<sup>11</sup>, making the municipality the prime place to organise and coordinate their actions.

## The local coordination of safety and security

### From crime prevention to security policy

As described earlier, the mayor bears the legal responsibility of safety and security in the municipality. As the legal head of the administrative police, he or she is responsible for the maintenance of public order, public security and public health in his or her municipality. In that capacity, he or she has a privileged relation with the emergency services such as the police and the fire department, which are organised on different administrative levels, and the public prosecutor's office. Moreover, the mayor has a pivotal role in local safety policy and is appointed as 'director' of local security policy.

However, explicit security and prevention policies at the municipal level only emerged in the 1980s. Since then, the federal public service of the interior ministry has given numerous impulses in several fields of prevention. This has led to the creation of a National Crime Prevention Council and Crime Prevention Commissions in the provinces. In principle, the provincial crime prevention commissions still exist, but the focus has moved gradually towards the cities and municipalities. This development was fuelled by another innovation; the establishment of systematic meetings between the mayors, the public prosecutors and the police. But it was only with the help of so-called 'security and prevention contracts' in the 1990s that crime prevention became a local policy issue. From the start, these contracts were available to selected cities only on the basis of their population, relative crime rate and their socio-economic situation. A compulsory public servant for prevention and a municipal advisory board on prevention ensured the execution and coordination of the different prevention projects. A specially appointed municipal employee, an internal evaluator, evaluated these projects. Via these contracts, the municipal authorities were, for the first time, stimulated and financially motivated to organise a preventive-repressive security management strategy. External input proved to be necessary for these crime prevention initiatives to be successful<sup>12</sup>.

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<sup>11</sup> But the emergency services are currently being reformed: the 251 existing fire departments, consisting both of 11 000 volunteers and 5000 professionals, are upscaled to 34 emergency districts to ensure every citizen the fastest and most adequate assistance available, regardless of subdivisional boundaries.

<sup>12</sup> Y. Cartuyvels, P. Hebberecht, *The Belgian Federal Security and Crime Prevention Policy in the 1990's*, [in:] *The Prevention and Security Policies in Europe*, P. Hebberecht, D. Duprez (eds.), Brussels 2002, p. 15–49.

Over the following years, the scheme extended and included more and more municipalities. Gradually, the field of prevention extended even further, as the experts in these domains actively engage in the search for new funding to elaborate new prevention projects. New prevention strands emerged, such as drug abuse, public safety wardens and urban renewal. These projects were not merely aimed at preventing crime, but also served various other goals, such as employment, urban development and the management of fear<sup>13</sup>. Crucially, these domains started to 'invade' the competences of the communities (in regards to personal affairs) and the regions (in regards to spatial planning). The regions and communities began to develop their own policies directed at municipalities and related to their competences. The federal government, on the other hand, had to retreat and focus on their competence in the form of 'situational' crime prevention. However, the structures and actors introduced by the federal security contracts remained of key importance for the coordination of crime and security policies. To be sure, some of the policies of the regions or the communities were directly relevant to tackle crime and insecurity, such as youth projects. It became clear that the coordination of these different policies should take place at the level of the municipalities.

### Local integrated security policy

While the French inspired the contractual approach<sup>14</sup>, we started looking at our Dutch neighbours during the end of the 1990s. The Dutch had developed a so-called 'integrated safety policy'<sup>15</sup>. It is a concise framework that draws attention to the structural causes and secondary effects and integrates this within a multi-actor and multi-agency approach<sup>16</sup>. This policy strategy of integral security was elaborated in the federal integral security plan<sup>17</sup>. The central idea is that local governments should expand their existing crime prevention policies and create an umbrella, a local integral safety policy. The focus is no longer purely on the prevention of crime. Integrated security policies should think about all kinds of safety problems and security issues. In the federal integral security plan of 2004, the focus was on crime, road-safety and anti-social behaviour. Moreover, an integrated safety approach should not be limited to preventive measures and post-facto reactions. To include the causes of unsafety, an integrated approach should pay attention to all the different phases of the so called safety-chain:

<sup>13</sup> R. Van Swaaningen, *Public Safety and the Management of Fear*, Theoretical Criminology 2005, no. 3, p. 289–305.

<sup>14</sup> S. Roché, *Prevention and Security: A New Governance Model for France through a Contract-Based Territorial Approach*, Canadian Journal of Criminology and Criminal Justice/La Revue Canadienne de Criminologie et de Justice Pénale 2005, no. 2, p. 407–426.

<sup>15</sup> R. Van Swaaningen, *Public Safety*...

<sup>16</sup> T. Bauwens, E. Enhus, *How Broad Should a Criminological Lens on Safety and Security Be?* (presented at the Congress of the European Society of Criminology, Vilnius 2011), [http://issuu.com/tbauwens/docs/2011\\_esc\\_-\\_criminological\\_lens\\_final](http://issuu.com/tbauwens/docs/2011_esc_-_criminological_lens_final) (access: 28.04.2014).

<sup>17</sup> Federale Ministerraad, *Kadernota Integrale Veiligheid*, 2004.

from the proactive elimination of structural causes of unsafety over the prevention and preparation of real violations towards the actual solving of the problem and handling of the so-called after-care, including a thorough evaluation and avoiding secondary victimisation<sup>18</sup>.

The federal government wanted this federal security plan to be the blueprint for the strategic plans of the police and a source of inspiration for the municipalities to develop their own local security plan. However, the strategic security plans of the police are anchored in the 1998 law on the organisation of an integrated police. Every four years, the Ministers of the Interior and Justice have to establish a 'national security plan' with the guidelines of the police policy on the federal level, while the local police forces have to develop a 'zonal security plan'. They are obliged to consider the priorities in the national security plan into account, but are allowed to deviate from them. These plans lay the foundation for the cooperation between the police and the Office of Public Prosecutors. Although the mayors – as head of the administrative police – are involved in the zonal police plans, the municipality as such is not part of it. That is why the federal government promoted the introduction of a strategic municipal security plan, as its local counterpart<sup>19</sup>.

This plan should not only include major local safety issues and priorities, but also focus on the participation and cooperation of all parties involved in preventing and solving insecurity. This means that the relevant policy domains of other levels governments and actions of other institutions and organisations should be identified and included in this approach. The regions develop policies in regard to the organisation of the municipality or highly relevant urban policies and infrastructural projects. In a similar vein, the communities develop youth, social welfare and educational policies directly relevant in order to elaborate an integrated approach to insecurity and unsafety. The federal government tried to elaborate this approach on the higher levels of government by seeking to identify the different relevant policy domains and coordinate them accordingly. But ever since the first version of this integrated policy approach in 2004, they have failed to do so. It is now up to the local governments to merge these ideas and bring them into practice, despite this fragmentation. But the local reception of this policy remains nonetheless contested. Also on the local level, to involve multiple organisations, governmental departments and actors with their own specificities (timing, goals, formal qualifications, funding, *etc.*) proves to be a real challenge for the local governments.

### The coordination of local security in practice

This challenge constituted our main focus of research in 2011<sup>20</sup>. The primary objective was to acquire insight in the local interpretation, adaptation and

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<sup>18</sup> *Ibidem*.

<sup>19</sup> Note that strategic security and prevention plans are not taken into account in this policy cycle.

<sup>20</sup> T. Bauwens, *Integraal Veiligheidsbeleid Tussen Pragmatisme En Idealisme...*

development of the current local security policy by the local government to be able to provide some grounded recommendations for the federal government concerning the way in which they can assist local authorities in developing integrated solutions for their local safety problems and security issues. To be able to grasp the local context in its full complexity, we decided to focus our efforts and used a multiple case studies approach as the research strategy, allowing the combination of document analyses and semi-structured face-to-face interviews with local stakeholders. We conducted our research in three local governments, each originating from one of the three regions and selected based on the preliminary analysis and some practical grounds.

First of all, we sought out the topics that should be integrated in a local security approach. How broad should a lens on safety and security be? We decided to respect the local autonomy and use a bottom up definition of how to define 'security'. Secondly, on the basis of this definition, we examined what plans and projects, providing funds and subsidy are available regarding these topics and which actors are involved. And finally, we examined how these domains are coordinated and whether it is possible to align and integrate them in one all-encompassing local security policy.

In regards to the first research question, the document analysis indicated that security is considered as an important local policy issue. It is a strategic point of attention in the general policy programs and is approached as a transversal policy topic, resulting in very broad policy intentions and aspirations. But when we conducted interviews with the mayor, local administration and police to discuss how these ideas are developed in practice and how these different policy domains are coordinated; the broad and theoretical inspired vision of security on paper seemed to fade away. If asked to pinpoint the relevant policy domains of security, the focus was to be problem-centred, thereby excluding all the qualities of life enhancing initiatives of the other policy domains (social affairs, youth, education, etc.) and their subsequent supra-local authority (community or region). Essentially, only two principal domains of local security remained; the local police and the (crime) prevention services. Surely, other organisations were involved as well on the level of the actions and projects and the traces of this cooperation were found in some policy documentation. But from a strategic point of view, there was hardly any coordination between the different policy domains and actors.

Inspired by the police policy cycle, the federal government could consider making the development of a municipal security plan a legal obligation. But the obligation for such a plan would still fail to take the local specificity into account. Every municipality has their own ideas, ambitions, possibilities and restrictions as to local crime and security policies. Different municipalities have different configurations, different structures and, consequently, different actors involved in the coordination of security. Some civil servants for prevention now coordinate the integrated security efforts of the municipality, while other cities hire an extra employee specifically for this task. Some municipalities have community wardens, while others have developed partnerships with private security



companies. Some municipalities try to include civil security into the reflection, whilst other limit their efforts to crime prevention. We believe this is one of the main reasons why coordination of local safety and security on the strategic management level fails to materialise. To be sure, local safety and security efforts are certainly coordinated in practice, but mainly on the level of projects and actions.

In order to support the local security efforts and facilitate its strategic coordination, we argue that the federal government should take the local configurations as a point of departure. As Janet Foster<sup>21</sup> argues: “Community crime prevention (...) is bedevilled by complexity – a crucial but frequently neglected starting point”. The different policy domains and the different levels of government are already fused into these configurations. Instead of forcing the local authorities to deconstruct their practices and actions to suit an integral strategic policy plan, the different stakeholders should physically meet and talk about local practices. Identifying and connecting various policy domains and levels on paper is not enough, the actual practices should be integrated as well. Our suggestion in the research, then, was not to impose rigid local security frameworks for the local governments to implement, but to install dynamic visiting committees. Visiting committees already exist in academia and schools, in prisons and in the Flemish regional urban policy domain with the purpose of quality control. These visiting committees are typically made up of external independent experts. Based on documents, interviews and site visits, they report on the local situation. The focus of our committees is not only on reporting and evaluating, but on communication and the exchange of information. The visiting committee should work within a specified frame of reference – which allows for the development of security planning and policy cycles. But the relevance of these documents and the applicability of their content is always negotiated with the local practice. Policy papers should not be the goal, but serve as a means to develop an integral local security policy and coordinate efforts. Ultimately, it is the local situation that will determine the composition of the visiting committee. Visiting committees seem to be very well-suited to monitor and review the policy configurations and enhance the local coordination efforts whilst taking the local specificity into account.

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<sup>21</sup> J. Foster, ‘People Pieces’: *The Neglected but Essential Elements of Community Crime Prevention*, [in:] *Crime Control and Community: The New Politics of Public Safety*, G. Hughes, A. Edwards (eds.), Devon 2002, p. 167–196.